

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
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THIS DOCUMENT RELATES TO:)	Hon. Patti Saris
)	
<i>United States of America ex rel. Ven-a-Care of the Florida Keys, Inc., v. Abbott Laboratories, Inc., CIVIL ACTION NO. 06-11337-PBS</i>)	Magistrate Judge Marianne B. Bowler
)	

**UNOPPOSED MOTION BY THE UNITED STATES FOR
EXTENSION OF TIME TO RESPOND TO DEFENSE MOTIONS
FOR A FINDING OF SPOILATION AND FOR SANCTIONS**

The United States moves this Court for a second extension to respond to motions by defendants for a finding of spoliation. Defendant Abbott Laboratories, Inc., filed a spoliation motion on June 4, 2009 (Dkt. 6096). Defendant Dey, Inc., filed a spoliation motion on June 12, 2009 (Dkt. 6109). Previously, the Untied States asked that it be allowed up to and including July 15, 2009 by which to file its opposition brief. The Government now asks for an additional five days – that is, until no later than July 20, 2009 – by which to file a responsive brief. Defense counsel have stated they will not oppose this request for an extension of time.

Based on the foregoing, the United States respectfully requests that it be permitted up to and including July 20, 2009 by which to respond to the above-referenced spoliation motions by Abbott and Dey.

Respectfully Submitted,

For the United States of America,

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Dated: July 15, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above "UNOPPOSED MOTION BY THE UNITED STATES FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTIONS FOR A FINDING OF SPOILATION AND SANCTIONS" to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: July 15, 2009

/s/ Justin Draycott
Justin Draycott